

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARK W. DOBRONSKI,
an individual,

Plaintiff,

Case: 5:23-cv-12391
Assigned To : Levy, Judith E.
Referral Judge: Stafford, Elizabeth A.
Assign. Date : 9/20/2023
Description: COMP DOBRONSKI V.
FORTIS PAYMENT SYSTEMS,
LLC. (KB)

v.

FORTIS PAYMENT SYSTEMS, LLC,
a Delaware corporation,

Defendant.

COMPLAINT

NOW COMES the Plaintiff, MARK W. DOBRONSKI, appearing *in propria persona*, and for his complaint against Defendant alleges:

1. This matter arises under the Telephone Consumer Protection Act of 1991 (“TCPA”), 47 U.S.C. § 227, *et seq.*, the Michigan Home Solicitation Sales Act (“MHSSA”), M.C.L. 445.101, *et seq.*, the Michigan Telephone Companies as Common Carriers Act (“MTCCCA”), M.C.L. 484.101, *et seq.*, and the Florida Telemarketing Sales Act (“FTSA”), Fla. Stat. § 501.059.

Parties

2. Plaintiff is an individual, of the age of majority, a citizen of the United States of America, is domiciled in and has a place of business in Orange County,

Florida, has a residence and place of business in Washtenaw County, Michigan, and has a place of business in Wayne County, Michigan.

3. Defendant FORTIS PAYMENT SYSTEMS, LLC (“Fortis”), is a limited liability company organized and existing under the laws of the State of Delaware, that is registered and qualified to do business in the State of Michigan, and which has a principal office located at 43155 Main Street, Suite 2310C, Novi, Michigan 48375-1799.

Jurisdiction

4. This Court has jurisdiction over the subject matter of this complaint pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1367.

5. This Court has general personal jurisdiction over Defendant Fortis, pursuant to M.C.L. § 600.711, as a result of the Defendant Fortis carrying on of a continuous and systematic part of its general business within the state.

Venue

6. Venue is proper in this Court, pursuant to 28 U.S.C. § 1391(b)(2), as the tortious or illegal telephone calls complained of herein were received in this judicial district.

Preliminary Statement

7. As the Supreme Court recently explained, “Americans passionately disagree

amount many things. But they are largely united in their disdain for robocalls.” *Barr v. American Association of Political Consultants LLC*, 140 S. Ct. 2335, 2343 (2020).

8. The Federal Government receives a staggering number of complaints about robocalls – 3.7 million complaints in 2019 alone. *Id.*

9. In response to widespread public outrage over intrusive telemarketing calls to homes and businesses, the United States Congress acted to prevent persons, like Defendant, from invading American citizen’s privacy and to prevent abusive “robocalls” by enacting the TCPA.

10. According to the Federal Communications Commission (“FCC”), “Unwanted calls and texts are the number one complaint to the FCC.”

11. In regard to such telephone solicitations, Senator Hollings of South Carolina, the primary sponsor of the TCPA, explained, “computerized calls are the scourge of modern civilization. They wake us up in the morning; they interrupt our dinner at night; they force the sick and elderly out of bed; they hound us until we want to rip the telephone right out of the wall... these computerized telephone calls threaten our personal safety... These machines are out of control, and their use is growing by 30 percent every year. It is telephone terrorism, and it has got to stop....” See In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, 17 FCC Rcd. 17459, 17474, fn. 90 (2002), quoting 137 Cong.

Rec. 30,821-30,822 (Nov. 7, 1991).

12. According to YouMail, Inc., a company which tracks robocall activity and publishes the YouMail Robocall Index, during calendar year 2021 alone, American consumers were bombarded with over 50.5 *billion* robocalls; an average of over 150 robocalls to each man, woman, and child. [Source: www.robocallindex.com].

13. In 2021, nearly 1 in 3 Americans say they have fallen victim to a phone scam in the past year, with reported losses to phone scams exceeding \$29.8 Billion. [Source: www.cndb.com/2021/06/29/americans-list-billions-of-dollars-to-phone-scams-over-the-past-year.html].

14. Congress has found that interstate telemarketing fraud has become a problem of such magnitude that the resources of the Government are not sufficient to ensure adequate consumer protection from such fraud.

15. As a result, in enacting the TCPA, Congress intentionally created a legally enforceable bounty system, not unlike *qui tam* statutes, to incentivize the assistance of aggrieved private citizens to act as “private attorneys general” in enforcing federal law.

Telephone Consumer Protection Act

16. In 1991, Congress enacted the TCPA to restrict the use of sophisticated telemarketing equipment that could target millions of consumers *en masse*. Congress

found that these calls were not only a nuisance and invasion of privacy to consumers specifically, but were also a threat to interstate commerce generally. *See* S. Rep. No. 102-178, at 2-3, 1991 U.S.C.C.A.N. 1968, 1969-71, 1991 WL 211220 (1991).

17. The TCPA imposes restrictions on the use of automated telephone equipment. 47 U.S.C. § 227(b)(1).

18. Pursuant to authority delegated by Congress to the FCC under the TCPA at 47 U.S.C. § 227(b)(2), the FCC has adopted regulations to implement the aforesaid restrictions on use of automated telephone equipment. The TCPA implementing regulations are promulgated at 47 C.F.R. 64.1200(a), *et seq.*

19. As part of the restrictions on use of automated telephone equipment, Congress created a private right of action for aggrieved persons to received \$500.00 in damages for *each* violation of the subsection of the statute or the regulations prescribed thereunder, which amount the court may treble if the court finds that the defendant willfully or knowingly violated the statute or the regulations. 47 U.S.C. § 227(b)(3).

20. Additionally, the Congress also sought to protect subscriber privacy rights, and directed the FCC to initiate a rulemaking proceeding to compare and evaluate alternative methods and procedures, and to develop proposed regulations to implement the methods and procedures that the FCC determines are most efficient to

accomplish the need to protect telephone subscribers' privacy rights to avoid receiving telephone solicitations to which they object. 47 C.F.R. § 227(c)(1). The FCC conducted such a rulemaking and implemented regulations to protect telephone subscribers' privacy rights. See *In re Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, 68 FR 44144, 2003 WL 21713245 (July 25, 2003). The regulations implemented by the FCC are promulgated at 47 C.F.R. § 64.1200(c), *et seq.*, 47 C.F.R. § 64.1200(d), *et seq.*, and 47 C.F.R. § 64.1601(e).

21. As part of the protection of subscriber privacy rights, Congress created a private right of action for aggrieved persons to receive \$500.00 in damages for *each* violation of the subsection of the statute or the regulations prescribed thereunder, which amount the court may treble if the court finds that the defendant willfully or knowingly violated the statute or the regulations. 47 U.S.C. § 227(c)(5).

Michigan Home Solicitation Sales Act

22. The Michigan Legislature has also enacted statutes governing and restricting telephone solicitors from making or causing to be made a telephone solicitation to a residential telephone subscriber. The restrictions include a prohibition that telephone solicitors shall not make telephone solicitations to a residential telephone subscriber whose name and residential telephone number appears on the national do-not-call list. M.C.L. 445.111(a)(5).

23. The MHSSA provides that a person who suffers a loss as a result of a violation of the MHSSA may bring an action to recover actual damages or \$250.00, together with reasonable attorney fees. M.C.L. 445.111c(3).

Florida Telemarketing Sales Act

24. The Florida Legislature has enacted statutes governing and restricting telephone solicitors in making telephone sales calls. The statute includes, *inter alia*, requirements for identification of telephone solicitors and the transmission of caller identification information, prohibitions on calling telephone numbers appearing on the national do-not-call registry or where a person has previously communicated to the telephone solicitor or other person that he or she does not wish to receive an outbound telephone call, text message, or voicemail transmission. Fla. Stat. § 501.059.

25. The FTSA provides that a called party who is aggrieved by a violation of the section may bring an action to, *inter alia*, recover actual damages or \$500, whichever is greater. Fla. Stat. § 501.059(10)(a). Further if the court finds that the defendant's violations were willful or knowing, the court may, in its discretion, treble the amount of the award. Fla. Stat. § 501.059(10)(b).

General Allegations

26. Plaintiff's residential and cellular telephone lines have been besieged with

telemarketing calls hawking such things as alarm systems, Google listings, automobile warranties, health insurance, life insurance, credit cards, and even financial miracles from God. Some calls are blatant scams, including calls purportedly from the Social Security Administration, the U.S. Drug Enforcement Administration, and other government agencies, claiming that arrest warrants have been issued against Plaintiff for alleged drug trafficking and money laundering activities.

27. Plaintiff's residential telephone number is 734-***-1000.

28. Plaintiff's residential telephone number 734-***-1000 is registered on the National Do Not Call Registry and has been so listed since May 27, 2022 and at all times subsequent thereto.

29. The FCC has issued a declaratory ruling defining "called party" as "the subscriber, i.e., the consumer assigned the telephone number dialed and billed for the call, or the non-subscriber customary user of a telephone number included in a family or business calling plan." *In the Matter of Rules & Regulations Implementing the Tel. Consumer Prot. Act of 1991*, CG Docket No. 02-278, WC Docket No. 07-135, FCC 15-72, 2015 WL 4387780, at *26 ¶ 73 (FCC July 10, 2015).

30. Plaintiff is the subscriber to and a customary user of the called telephone lines, is the one that was the actual recipient of the telephone calls at issue in this

complaint, and suffered the nuisance and invasion of privacy of same. Thus, Plaintiff has standing to bring this action for alleged violations of TCPA's robocall provisions. See *Leyse v. Bank of America Nat. Ass'n*, 804 F.3d 316, 324 (C.A.3, 2015).

31. At no time relevant hereto has Plaintiff or any other authorized person requested, consented, permitted, or authorized the contact from the Defendant.

32. At no time has Plaintiff provided permission to the Defendant to engage in telephone solicitation with the Plaintiff via telephone.

33. Pursuant to 47 U.S.C. § 217, the act, omission, or failure of any officer, agent, or other person acting for or employed by an common carrier or user, acting within the scope of his employment, shall in every case also be deemed to be the act, omission, or failure of such carrier or user as well as that of the person.

34. Courts are legally bound to give great deference to the FCC's interpretations of the TCPA and its own regulations.

35. At no time has Plaintiff provided "prior express consent" or "prior express written consent" (as those terms are defined under the TCPA and as interpreted by the FCC) for the Defendant or anyone acting on behalf of the Defendant to initiate any telephone call that includes or introduces an advertisement or constitutes telemarketing, using an automatic telephone dialing system or an artificial or prerecorded voice, to Plaintiff's residential telephone number.

36. At no time has Plaintiff had an “established business relationship” (as that term is defined under the TCPA and as interpreted by the FCC) with the Defendant.

37. The FCC has declared that “[p]urporting to obtain consent during the call... does not constitute the *prior* consent necessary to deliver the message in the first place as the request... is part of the telemarketing.” See *In re Rules and Regulations Implementing the TCPA*, 18 FCC Rcd. 14014, 14019, 2003 WL 21517853, at *49, ¶ 142 (June 26, 2003) [Emphasis as in original].

38. The FCC has clarified that sellers may be held vicariously liable for violations of the TCPA by third-party telemarketers that initiate calls to market the seller’s products or services, declaring as follows:

“[A] company on whose behalf a telephone solicitation is made bears the responsibility for any violation of our telemarketing rules and calls placed by a third party on behalf of that company are treated as if the company itself placed the call.”

In re Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Declaratory Ruling, 20 FCC Rcd. 13664, 13667, ¶ 7 (2005).

39. For each and every call alleged herein initiated to Plaintiff’s telephone line, Plaintiff suffered the injury of invasion of privacy and intrusion on Plaintiff’s right of seclusion.

40. For each and every call alleged herein initiated to Plaintiff’s telephone line,

Plaintiff suffered the injury of the occupation of the telephone line by unwelcome calls, making the phone unavailable for legitimate callers or outgoing calls, including emergency calls, when the telephone line was seized by Defendant's calls.

41. For each and every call alleged herein initiated to Plaintiff's telephone line, Defendant caused an injury in the form of a nuisance and annoyance to the Plaintiff. For calls that were answered, Plaintiff had to go to the unnecessary trouble of answering them. Even for unanswered calls, Plaintiff had to deal with missed call notifications and call logs that reflected the unwanted calls. This also impaired the usefulness of these features on Plaintiff's telephone, which features are designed to inform the user of important missed communications.

42. Each and every call placed without consent by Defendant alleged herein to Plaintiff's telephone lines resulted in the injury of a trespass to Plaintiff's chattel, namely Plaintiff's telephone line and its telephone services.

43. For purposes of the TCPA, the FCC has defined "willfully or knowingly" to mean that the violator knew that he was doing the act in question, in this case, initiating a telephone solicitation, irrespective of any intent to violate the law. A violator need not know that his action or inaction constitutes a violation; ignorance of the law is not a defense or mitigating circumstance.

Call 1

44. On June 22, 2023, at approximately 9:55 A.M., Defendant or Defendant's agent initiated a telephone solicitation call to Plaintiff's residential telephone number 734-***-1000.

45. The caller identification number displayed was 772-794-8228, and there was no caller identification name information displayed.

46. Upon answering the telephone call by saying "hello", Plaintiff heard a live telemarketer state that he was calling from "Fortis" and that he wanted to know if Plaintiff utilized any credit card processing service.

47. Plaintiff informed the caller that he was not interested and clearly stated "do not call again" and hung up.

Call 2

48. On June 27, 2023, at approximately 9:08 A.M., Defendant or Defendant's agent initiated a telephone solicitation call to Plaintiff's residential telephone number 734-***-1000.

49. The caller identification number displayed was 772-794-8228, and there was no caller identification name information displayed.

50. Upon answering the telephone call by saying "hello", Plaintiff was hung up upon.

Call 3

51. On July 7, 2023, at approximately 1:34 P.M., Defendant or Defendant's agent initiated a telephone solicitation call to Plaintiff's residential telephone number 734-***-1000.

52. The caller identification number displayed was 772-794-8228, and there was no caller identification name information displayed.

53. Upon answering the telephone call by saying "hello", Plaintiff was hung up upon.

Call 4

54. On August 2, 2023, at approximately 1:43 P.M., Defendant or Defendant's agent initiated a telephone solicitation call to Plaintiff's residential telephone number 734-***-1000.

55. The caller identification number displayed was 772-794-8229, and there was no caller identification name information displayed.

56. The call disconnected after the second ring before Plaintiff could answer the ringing telephone line.

57. The total duration of the call connection from initiation to termination was 11 seconds.

Call 5

58. On August 9, 2023, at approximately 9:55 A.M., Defendant or Defendant's agent initiated a telephone solicitation call to Plaintiff's residential telephone number 734-***-1000.

59. The caller identification number displayed was 772-794-8229, and there was no caller identification name information displayed.

60. The call disconnected after the second ring before Plaintiff could answer the ringing telephone line.

61. The total duration of the call connection from initiation to termination was 8 seconds.

Call 6

62. On August 9, 2023, at approximately 9:53 A.M., within seconds of Plaintiff having hung up the telephone from Call 5, *supra*, Defendant or Defendant's agent initiated a telephone solicitation call to Plaintiff's residential telephone number 734-***-1000.

63. The caller identification number displayed was 772-794-8229, and there was no caller identification name information displayed.

64. The call disconnected after the second ring before Plaintiff could answer the ringing telephone line.

65. The total duration of the call connection from initiation to termination was 9 seconds.

Call 7

66. On August 18, 2023, at approximately 11:17 A.M., Defendant or Defendant's agent initiated a telephone solicitation call to Plaintiff's residential telephone number 734-***-1000.

67. The caller identification number displayed was 772-794-8229, and there was no caller identification name information displayed.

68. Upon answering the telephone call by saying "hello", Plaintiff was hung up upon.

Call 8

69. On August 30, 2023, at approximately 3:11 P.M., Defendant or Defendant's agent initiated a telephone solicitation call to Plaintiff's residential telephone number 734-***-1000.

70. The caller identification number displayed was 772-794-8229, and there was no caller identification name information displayed.

71. Upon answering the telephone call by saying "hello", Plaintiff could hear voices speaking in the background but no one responded to Plaintiff, and then Plaintiff was hung up upon.

Call 9

72. On August 18, 2023, at approximately 11:17 A.M., Defendant or Defendant's agent initiated a telephone solicitation call to Plaintiff's residential telephone number 734-***-1000.

73. The caller identification number displayed was 772-794-8229, and there was no caller identification name information displayed.

74. Upon answering the telephone call by saying "hello", Plaintiff heard a live telemarketer identify himself as "Paul", that he was calling from "Fortis", and that he wanted to know if Plaintiff utilized any credit card processing service. Plaintiff sought better identifying information from the caller.

75. After the termination of the call, Plaintiff called the caller back at the caller identification number displayed (772-794-8229), received an answering machine, and left a message to "do not call" Plaintiff again.

**COUNT I
VIOLATION OF THE TCPA - DISCONNECTED CALL**

76. Plaintiff incorporates the allegations of paragraphs 1 through 75, *supra*.

77. Each of Calls 4, 5, and 6, *supra*, were in violation of the TCPA regulations, specifically 47 C.F.R. § 64.1200(a)(6), as Defendant or Defendant's agent disconnected an unanswered telemarketing call prior to at least 15 seconds or four (4) rings.

78. The aforesaid violations of the TCPA were wilful and/or knowing as is evidenced by the repeated number of calls.

COUNT II
VIOLATION OF THE TCPA - ABANDONED CALL

79. Plaintiff incorporates the allegations of paragraphs 1 through 75, *supra*.

80. Each of Calls 2, 3, 7, and 8, *supra*, were in violation of the TCPA regulations, specifically 47 C.F.R. § 64.1200(a)(7)(i), as Defendant or Defendant's agent initiated a telephone call to Plaintiff's telephone line and a live sales representative was not available and did not speak to Plaintiff within two (2) seconds after the called person's completed greeting.

81. The aforesaid violations of the TCPA were wilful and/or knowing as is evidenced by the repeated number of calls.

COUNT III
VIOLATION OF THE TCPA - DO NOT CALL

82. Plaintiff incorporates the allegations of paragraphs 1 through 75, *supra*.

83. Each of Calls 1 through 9, *supra*, were in violation of the TCPA implementing regulations, specifically 47 C.F.R. § 64.1200(c)(2), as Defendant or Defendant's agent initiated a telephone solicitation to a residential telephone subscriber who has registered his or her telephone number on the national do-not-call registry of persons who do not wish to receive telephone solicitations that is

maintained by the Federal Government.

84. The aforesaid violations of the TCPA were wilful and/or knowing as is evidenced by the repeated number of calls.

COUNT IV
VIOLATION OF THE TCPA - FAILURE TO HONOR DNC REQUEST

85. Plaintiff incorporates the allegations of paragraphs 1 through 75, *supra*.

86. Each of Calls 2 through 9, *supra*, were in violation of the TCPA implementing regulations, specifically 47 C.F.R. § 64.1200(d)(3), as Defendant or Defendant's agent initiated a telephone solicitation to a residential telephone subscriber who had previously made a do-not-call request.

87. The aforesaid violations of the TCPA were wilful and/or knowing as is evidenced by the repeated number of calls, as well as the telephone call where the telemarketer admitting that Plaintiff's telephone number was on the do-not-call list.

COUNT V
VIOLATION OF THE MHSSA

88. Plaintiff incorporates the allegations of paragraphs 1 through 75, *supra*.

89. North American Numbering Plan area code 772 is geographically assigned to telephone numbers in the southeastern coast region of the State of Florida.

90. Given that each of Calls 1 through 9, *supra*, displayed a telephone number with an area code of 772, it is presumed that the calls were initiated from within the

State of Florida.

91. Each of Calls 1 through 9, *supra*, were in violation of the MHSSA: specifically M.C.L. 445.111a(5), as Defendant or Defendant's agent made a telephone solicitation to a residential telephone subscriber whose name and residential telephone number is on the then-current version of the federal do-not-call list.

**COUNT VI
VIOLATION OF THE FTSA**

92. Plaintiff incorporates the allegations of paragraphs 1 through 75, *supra*.

93. Each of Calls 1 through 9, *supra*, were in violation of the FTSA: specifically Fla. Stat. § 501.059(2), as Defendant or Defendant's agent made an unsolicited telephonic sales call to a residential telephone number and did not identify himself by his or her true first and last names and the business immediately upon making contact by telephone with the person who is the object of the telephone solicitation; and/or Fla. Stat. 501.059(a)(4), as Defendant or Defendant's agent made a unsolicited telephonic sales call to a residential, mobile, or telephonic paging device telephone number which appears on the National Do-Not-Call Registry; and/or Fla. Stat. 501.059(5)(a), as Defendant or Defendant's agent initiated an outbound telephone call to a consumer, business, or donor or potential donor who has previously communicated to the telephone solicitor or other person that he or she does not wish to receive an outbound telephone call made by or on behalf of the seller

whose goods or services are being offered; and/or Fla. Stat. 501.059(8)(b), as Defendant or Defendant's agent caused a telephonic sales call to be made to fail to transmit or cause not to be transmitted the originating telephone number and the name of the telephone solicitor to any caller identification service in use by a recipient of a telephonic sales call.

94. The aforesaid violations of the FTSA were wilful and/or knowing as is evidenced by the repeated number of calls.

PRAYER FOR RELIEF

WHEREFORE, the aforesaid premises considered, Plaintiff prays that this Court enter a judgment for Plaintiff and against the Defendant, as follows:

A. Damages:

I. Damages for violations of the TCPA alleged:

<u>Count</u>	<u>Violations</u>
I	3
II	4
III	9
IV	8

A total of 24 violations at \$500 per violation for damages of \$12,000.00, which amount shall be trebled because the violations were willful and/or knowing, for total damages of

\$36,000.00.

- ii. Damages for violations of the MHSSA alleged at Count V: 9 violations at \$250 per violation, for damages of \$2,250.00.
- iii. Damages for violations of the FTSA alleged at Count VI: 9 violations at \$500 per violation, for damages of \$4,500.00, which amount shall be trebled because the violations were willful and/or knowing, for total damages of \$13,500.00.

The cumulative total amount of damages claimed in this action is \$51,750.00, and in the event of default judgment is the sum certain damages amount that will be sought.

B. An award of Plaintiff's taxable costs and disbursements incurred in the filing and prosecution of this action;

C. An injunction enjoining Defendant from initiating any telephone calls to Plaintiff's residential telephone and cellular telephone lines.

D. Interest accruing from the date of filing until paid at the statutory rate; and,

E. Such other and further relief as this Court deems necessary, reasonable, prudent and proper under the circumstances.

Respectfully submitted,



Dated: September 18, 2023

Mark W. Dobronski
Post Office Box 222
Dexter, Michigan 48130-0222
Telephone: (734) 330-9671
Email: markdobronski@yahoo.com
Plaintiff In Propria Persona

JS 44 (Rev. 10/20)

CIVIL COVER SHEETCounty in which action arose: Washtenaw, MI

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

MARK W. DOBRONSKI

(b) County of Residence of First Listed Plaintiff Orange, FL
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

FORTIS PAYMENT SYSTEMS, LLC

County of Residence of First Listed Defendant Oakland, MI
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

47 U.S.C. 227

Brief description of cause:
Illegal telemarketing calls

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 51,750.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE
September 18, 2023

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :

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PRESS FIRMLY TO SEAL

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FROM:

MARK W DOBRONSKI
PO BOX 222
DEXTER, MI 48130-0222

TO:

U.S. MARSHALS
UNITED STATES DISTRICT COURT
ATTN: CLERK'S OFFICE
231 W LAFAYETTE BLVD FL 5
DETROIT, MI 48226-2700